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UNITED STATES PATENT AND TRADEMARK OFFICE

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OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010	HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/744,281	AGASSE, BERNARD
	Examiner	Art Unit	
	Farzana E. Hossain	2623	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _10 October 2006_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _See Continuation Sheet_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-20,22, 23, 27-39,51-68, 76-87,101-119,121, 122, 124,125,127-129,131-133,135-137,139-142_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _22 August 2006_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-20,22,23,27-39,51-68,76-87,101-119,121,122,124,125,127-129,131-133,135-137 and 139-142.

DETAILED ACTION

Response to Amendment

1.   This action is in response to communications filed 10-10-06. Claims 1-20, 22,

23, 27-39, 51-68, 76-87, 101-119, 121, 122, 124, 125, 127-129,131-133,135-137,139-

142 are pending. Claims 1, 12, 51, 60, 141, 142 are amended. Claims 17, 30, 65, 114,

116 are previously presented. Claims 21, 24-26, 40-50, 69-75, 88-100, 120, 123, 126,

130, 134, 138 are cancelled. Claims 2-11, 13-16, 18-20, 22, 23, 27-29, 31-39, 52-59,

61-64, 66-68, 76-87, 101-113, 115, 117-119, 121, 122, 124, 125, 127-129, 131-133,

135-137, and 139-140 are original.

Response to Arguments

2.   Applicant's arguments with respect to claims 1 and 51 have been considered but

are moot in view of the new ground(s) of rejection.

        Applicant's arguments filed 10/10/2006 for 1-11, 13-20, 22, 23, 27-39, 51-59, 61,

65, 76-87,102, 103, 105, 106, 108-114, 116, 119, 122, 125, 127,129, 131, 133, 135,

137 and 139-140 have been fully considered but they are not persuasive. In regard to

the claims, the applicant argues that Niijima does not discloses permitting one of only

audio access or only visual access (Page 21).

        In response to the arguments, Niijima discloses a user is permitted complete

access to the first program based on the access rights associated with the user

(Column 14, lines 55-67); means for permitting one of only audio access or only visual

access or based on the decipherment, a demultiplexer supplies image data or audio

data to form the program data for the mosaic formation otherwise only image data

(visual access) or audio data is provided (Column 14, lines 53-67, Column 15, lines 1-9)

to the first program based on the access rights associated with the user or processing

the data with the deciphering data to permit access to the program data via the

conditional access module (CAM) (Column 14, lines 53-67, Column 15, lines 1-9),

means for providing complete audio and visual access to the first program if the user is

permitted complete access to the first program (Column 14, lines 53-67, Column 15,

lines 1-9). It is necessarily included that the CAM deciphers programs that are not

restricted or prohibited to the users as conditional access systems restrict television

programming.

3.   Applicant's arguments with respect to claims 12 and 60 have been considered

but are moot in view of the new ground(s) of rejection.

        Applicant's arguments filed 10/10/2006 for claims 12, 60, 62-64, 66-68, 101, 104,

107, 115, 117, 118, 121, 124, 128, 132, 136, have been fully considered but they are

not persuasive. The applicant argues that Niijima and Hanaya fail to disclose a

repositioning a cursor after a non-instantaneous predetermined period of time placed on

a window displaying a program to which full access is prohibited (Pages 20-21).

        In response to the arguments, Berstis discloses means for automatically re-

positioning the cursor in the event that the cursor is placed over the window that is not

active or not accessible after a non-instantaneous predetermined period of time

(Column 3, lines 5-39). Merriam-Webster's 10th edition Collegiate Dictionary defines

instantaneous as done without any delay being purposely introduced or occurring at a

particular instant. Berstis discloses that a check is performed to determine if the

window is open or active and if the window is not active, then the next cursor is

repositioned to an active window non-instantaneously.

4.   Applicant's arguments filed 10/10/2006 for claims 141, 142 have been fully

considered but they are not persuasive. In regard to the claims, the applicant argues

that Niijima does not discloses permitting one of only audio access or only visual access

(Pages 28-29).

In response to the arguments, Niijima discloses a user is permitted complete

access to the first program based on the access rights associated with the user

(Column 14, lines 55-67); means for permitting one of only audio access or only visual

access or based on the decipherment, a demultiplexer supplies image data or audio

data to form the program data for the mosaic formation otherwise only image data

(visual access) or audio data is provided (Column 14, lines 53-67, Column 15, lines 1-9)

to the first program based on the access rights associated with the user or processing

the data with the deciphering data to permit access to the program data via the

conditional access module (CAM) (Column 14, lines 53-67, Column 15, lines 1-9),

means for providing complete audio and visual access to the first program if the user is

permitted complete access to the first program (Column 14, lines 53-67, Column 15,

lines 1-9). It is necessarily included that the CAM deciphers programs that are not

restricted or prohibited to the users as conditional access systems restrict television

programming for certain groups of users.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. .   Claims 1-6, 8, 15-18, 30, 31, 33, 35, 38, 39, 51-55, 65, 78, 79, 83, 84, 86, 87,

102, 108, 111, 112, 119, 125, 127, 129, 131, 133, 139-142 are rejected under 35

U.S.C. 102(e) as being anticipated by Niijima et al (US 5,903,314 and hereafter referred

to as "Niijima")

Regarding Claims 1 and 51, Niijima discloses a decoder and a method for

controlling the display of a plurality of digital television (TV) channels in respective

windows of a mosaic formation (Figure 8, 2), the decoder comprising means for

receiving access rights to one of a program and a channel (Column 14, lines 53-62),

means for permitting one of only audio access or only visual access or based on the

decipherment, a demultiplexer supplies image data or audio data form the program data

for the mosaic formation otherwise only image data (visual access) or audio data is

provided (Column 14, lines 53-67, Column 15, lines 1-9) by the user to the one of

program and a channel when displayed in the window according to the received access

rights or the video or audio of the program on the mosaic can be blocked as restricted

access information is blocked by the conditional access module(Figure 5, Figure 21,

Column 14, lines 53-67, Column 15, lines 1-9).

Regarding Claim 141, Niijima discloses a decoder for controlling the display of a

plurality of digital television (TV) channels in respective windows of a mosaic formation

(Figure 5 and 20), the decoder comprising; means for receiving access rights to a first

program and a second program displayed in the mosaic formation (Column 14, lines 53-

62); means for determining whether a user is permitted complete access to the first

program based on the access rights associated with the user (Column 14, lines 55-67);

means for permitting one of only audio access or only visual access or based on the

decipherment, a demultiplexer supplies image data or audio data form the program data

for the mosaic formation otherwise only image data (visual access) or audio data is

provided (Column 14, lines 53-67, Column 15, lines 1-9) to the first program based on

the access rights associated with the user or processing the data with the deciphering

data to permit access to the program data via the conditional access module (CAM)

(Column 14, lines 53-67, Column 15, lines 1-9), means for providing complete audio

and visual access to the first program if the user is permitted complete access to the

first program (Column 14, lines 53-67, Column 15, lines 1-9). It is necessarily included

that the CAM deciphers programs that are not restricted or prohibited to the users as

conditional access systems restrict television programming for certain groups of users.

Regarding Claims 2 and 52, Niijima discloses all the limitations of Claims 1 and

51 respectively. Niijima discloses that receiving access rights data together with

audiovisual data for creating a mosaic or audiovisual data (Column 14, lines 53-67,

Column 15, lines 1-9).

Regarding Claim 3, Niijima discloses all the limitations of Claim 2. Niijima

discloses means for issuing a request for full audio and visual access to a program

displayed in the window (Column 33, lines 3-55).

Regarding Claim 4, 53 and 139, Niijima discloses all the limitations of Claims 1,

51 and 3 respectively. Niijima discloses a means for generating a cursor for display

with mosaic information Figure 5, 201, Figure 20, 201, Column 21, lines 41-50), the

cursor being selectively movable over the windows of the mosaic formation to enable

selection of a desired window within the mosaic formation (Figure 5, 201, Figure 20,

201, Column 21, lines 41-50).

Regarding Claims 5 and 54, Niijima discloses all the limitations of Claim 4 and 53

respectively. Niijima discloses a means for generating audio information (associated

with a particular channel in response to the positioning of a cursor over the window

displaying the particular channel (Column 23, lines 25-38).

Regarding Claims 6 and 55, Niijima discloses all the limitations of Claim 5 and 54

respectively. Niijima discloses that programs, deciphered by the conditional access

module, include audio data and generation of audio is based on the deciphering

(Column 14, lines 53-67, Column 15, lines 1-9).

Regarding Claims 8 and 140, Niijima discloses all the limitations of Claim 3 and

139 respectively. Niijima discloses issuing means is arranged automatically to issue the

request when the cursor has been positioned over the window for a predetermined

period of time or after the cursor has settle on the program desired (Column 13, lines

63-67, Column 14, lines 1-5).

Regarding Claims 15 and 111, Niijima discloses all the limitations of Claim 4, and

53 respectively. Niijima discloses means for tuning the decoder to a channel displayed

in the desired window upon selection of the desired window (Figure 5, Figure 7).

Regarding Claims 16 and 112, Niijima discloses all the limitations of Claim 4 and

53 respectively. Niijima means for generating a display comprising information

regarding the program displayed in the desired window upon selection of the desired

window (Column 17, lines 4-23).

Regarding Claims 17 and 65, Niijima discloses all the limitations of Claim 1 and

51 respectively. Niijima discloses a decoder (Figure 8, 2) for controlling the display of

digital TV channels in respective windows of a mosaic formation (Column 2, lines 49-57,

Figure 8, Figure 28, Figure 5, Figure 7, Figure 11), the decoder comprising means for

generating a cursor for display with the mosaic formation (Figure 5, 201, Figure 20,

201), the cursor being selectively movable over the windows of the mosaic formation to

enable selection of a desired window within the mosaic formation (Figure 5, 201, Figure

20, 201), and means for generating a display comprising information regarding the

program displayed in the desired window upon selection of the desired window (Column

17, lines 4-23). Niijima discloses that the user can select and program and transmit to

the communications center the request for information about the program or the

program, the audio of the program regarding the program displayed in the desired

window, data of a program (Column 32, lines 55-67, Column 33, lines 1-29, Figure 27,

311, Figure 28, 311, 323).

Regarding Claim 18, Niijima discloses all the limitations of Claim 16. Niijima

discloses that the user can select and program and transmit to the communications

center the request for information about the program or the program, the audio of the

program regarding the program displayed in the desired window, data of a program

(Column 32, lines 55-67, Column 33, lines 1-29, Figure 27, 311, Figure 28, 311, 323).

Regarding Claims 30 and 78, Niijima discloses all the limitations of Claim 1 and

51 respectively. Niijima discloses means for prohibiting the generation of video

information in dependence on the access rights to a program or channel or the video of

the program on the mosaic can be blocked as restricted access information is blocked

by the conditional access circuit or image data is not deciphered (Column 14, lines 53-

67, Column 15, lines 1-9).

Regarding Claims 31 and 79, Niijima discloses all the limitations of Claims 30

and 78 respectively. Niijima discloses that a picture may be used instead of video

information (Column 35, lines 57-62).

Regarding Claim 33, Niijima discloses all the limitations of Claim 31. Niijima

discloses that the picture can comprise still images or text (Column 35, lines 57-62). It

is necessarily included that the image is associated with program displayed on the window.

Regarding Claims 35 and 83, Niijima discloses all the limitations of Claim 30 and 78 respectively. Niijima discloses means for controlling the display of further video information instead of video information (Column 33, lines 3-55).

Regarding Claims 36 and 84, Niijima discloses all the limitations of Claim 35 and 83 respectively. Niijima discloses that the further video information is promotional video information or preview information (Column 32, lines 52-67,Column 33, lines 3-55).

Regarding Claims 38 and 86, Niijima discloses all the limitations of Claims 1 and 51 respectively. Niijima discloses positional control means for controlling the relative positions of the windows with the mosaic formation (Column 20, lines 37-46, Column 2, lines 48-67, Column 3, lines 1-14).

Regarding Claims 39 and 87, Niijima discloses all the limitations of Claims 38 and 86 respectively. Niijima discloses that the programs are displayed on the mosaic based on access rights (Column 14, lines 53-67, Column 15, lines 1-9). Niijima discloses positional control means is arranged to control the relative positions of the windows in response to groups, which include movies (Figure 25, 26) and video on demand (Figure 27 and 28), which are arranged by positional control means.

Regarding Claims 102 and 119, Niijima discloses all the limitations of Claims 17 and 65 respectively. Niijima discloses that a conditional access module (CAM) and receiving keys and decipherment processing in order decipher the program data (Column 14, lines 53-67, Column 15, lines 1-9). It is necessarily included that the CAM

deciphers programs that are not restricted or prohibited to the users as conditional

access systems restrict television programming for certain groups of users. Niijima

discloses means for prohibiting the generation of video information in dependence on

the access rights to a program or channel or the video of the program on the mosaic

can be blocked as restricted access information is blocked by the conditional access

circuit or image data is not deciphered (Column 14, lines 53-67, Column 15, lines 1-9).

Regarding Claims 108 and 125, Niijima discloses all the limitations of Claims 17

and 65 respectively. Niijima discloses positional control means for controlling the

relative positions of the windows with the mosaic formation (Column 20, lines 37-46,

Column 2, lines 48-67, Column 3, lines 1-14).

Regarding Claim 127, Niijima discloses all the limitations of Claim 86. Niijima

discloses positional control means for controlling the relative positions of the windows

with the mosaic formation (Column 20, lines 37-46, Column 2, lines 48-67, Column 3,

lines 1-14).

Regarding Claim 129, Niijima discloses all the limitations of Claim 125. Niijima

discloses positional control means for controlling the relative positions of the windows in

response to received window positioning data for controlling the relative positions of the

windows with the mosaic formation (Column 20, lines 37-46, Column 2, lines 48-67,

Column 3, lines 1-14).

Regarding Claims 131, Niijima discloses all the limitations of Claim 86. Niijima

discloses positional control means for controlling the relative positions of the windows in

response to received window positioning data for controlling the relative positions of the

windows with the mosaic formation (Column 20, lines 37-46, Column 2, lines 48-67,

Column 3, lines 1-14).

Regarding Claim 133, Niijima discloses all the limitations of Claim 125. Niijima

discloses that relative positions of windows of the mosaic formation are controlled

according to a program characteristic of programs normally shown on the channels

displayed in the windows (Figure 25 and Figure 26).

Regarding Claim 142, Niijima disclose all the limitations of Claim 141. Niijima

discloses means for determining whether a user is permitted complete access to the

second program based on the access rights associated with the user (Column 14, lines

55-67); means for permitting one of only audio access or only visual access or (Column

14, lines 15-67, Column 15, lines 1-9) to the second program based on the access

rights associated with the user or processing the data with the deciphering data to

permit access to the program data via the CAM (Column 14, lines 53-67, Column 15,

lines 1-9), means for providing complete audio and visual access to the second program

if the user is permitted complete access to the second program (Column 14, lines 55-

67, Column 15, lines 1-9).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 7, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Niijima in view of Lawler et al (US 5,758,259).

Regarding Claims 7 and 56, Niijima discloses all the limitations of Claim 6 and 55

respectively. Niijima discloses preview information for broadcast information. Niijima is

silent on audio information generation is prohibited if cursor is position over window

longer than predetermined length of time. Lawler discloses a means for generating

audio information (or video clip with audio information) (Column 5, lines 8-19)

associated with a particular channel in response to the positioning of a cursor over the

window displaying the particular channel (Figure 3A, 96, Figure 3B, 96 Figure 4).

Lawler discloses that a video clip including audio is displayed with respect to a selection

or highlighted cell (Figures 5, 6, 7). It is obvious that once the video clip or segment is

played or previewed that the clip will stop which meets the limitation that prohibiting

means will prohibit the generation of audio information after the predetermined length of

time. Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify Niijima to include once the video clip or segment is

played or previewed that the clip or audio information will be prohibited after the

predetermined period of time (Figure 3A, 96, Figure 3B, 96 Figure 4) as taught by

Lawler in order to allow the user to easily find a desired program (Column 1, lines 24-

34) as disclosed by Lawler.

9.   Claims 9, 10, 57, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Niijima in view of Berstis et al (US 5,874,936 and hereafter referred to as "Berstis").

        Regarding Claims 9 and 57, Niijima discloses all the limitations of Claims 4 and

53 respectively. Niijima discloses that programs are deciphered by the conditional

access module based on access rights (Column 14, lines 55-67, Column 15, lines 1-9).

Niijima are silent on means for automatically re-positioning the cursor in the event that

the cursor is placed over the window displaying a program or channel to which full audio

and visual access is prohibited. Berstis discloses means for automatically re-positioning

the cursor in the event that the cursor is placed over the window that is not active or not

accessible after performing a check to determine if the window is opened (Column 3,

lines 5-39). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Niijima to include a means for automatically

re-positioning the cursor in the event that the cursor is placed over the window that is

not active after a predetermined period of time (Column 3, lines 5-39) as taught by

Berstis in order to allow the user to navigate through multiple open windows for

convenience to the user (Column 1, lines 21-60 as disclosed by Berstis.

        Regarding Claims 10 and 58, Niijima and Berstis disclose all the limitations of

Claims 9 and 57 respectively. Niijima discloses the program guide (Figure 5). Berstis

discloses repositioning the cursor after the expiration of a predetermined time or

immediately (Column 3, lines 5-33).

10.   Claims 11, 13, 59, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Niijima d in view of Hanaya et al (US 2003/0101452 and hereafter referred to as

"Hanaya").

Regarding Claims 11 and 59, Niijima discloses all the limitations of Claims 4 and

53 respectively. Niijima discloses a cursor and the shape of the cursor can be changed

for selection (Column 21, lines 41-50). Niijima is silent on means for changing an

attribute of the cursor depending on the characteristic of at least one of a program and a

channel displayed in a window over which the cursor is positioned. Hanaya discloses a

system for displaying a plurality of channels and programs in respective windows

(Figure 19). Hanaya discloses a system for displaying a plurality of channels and

programs in respective windows (Figure 19). Hanaya discloses means for changing an

attribute of the cursor depending on the characteristic of at least one of a program and a

channel displayed in a window over which the cursor is positioned (Page 9, paragraph

0147). Therefore it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Niijima to include means for changing an

attribute of the cursor depending on the characteristic of at least one of a program and a

channel displayed in a window over which the cursor is positioned such as the cursor is

changed to different broadcast channel (Page 9, paragraph 0147) as taught by Hanaya

in order to make it easier and more convenient for a user to view the programs selected

or highlighted.

Regarding Claims 13 and 61, Niijima and Hanaya disclose all the limitations of

Claims 11 and 59 respectively. Niijima discloses a cursor and the shape of the cursor

can be changed for selection (Column 21, lines 41-50). Hanaya discloses that the

programs are accessed via highlights or colors or changing the color of the cursor

depending on the characteristic of the program (Page 9, paragraph 0147).

11.   Claims 12, 60, 63, 64, 66, 101, 107, 118, 124, 128, 132 are rejected under 35

U.S.C. 103(a) as being unpatentable over Niijima in view of Hanaya and Berstis.

        Regarding Claims 12 and 60, Niijima discloses a decoder and a method (Figure

8, 2) for controlling the display of digital TV channels in respective windows of a mosaic

formation (Column 2, lines 49-57, Figure 8, Figure 28, Figure 5, Figure 7), the decoder

comprising means for generating a cursor for display with the mosaic formation and the

cursor being movable to select a desired channel within the mosaic formation (Figure 5,

201, Figure 20, 201). Niijima discloses a cursor and the shape of the cursor can be

changed for selection (Column 21, lines 41-50). Niijima discloses permitting one of only

audio access or only visual access or based on the decipherment, a demultiplexer

supplies image data or audio data form the program data for the mosaic formation

otherwise only image data (visual access) or audio data is provided (Column 14, lines

53-67, Column 15, lines 1-9) by the user to the one of program and a channel when

displayed in the window according to the received access rights or the video or audio of

the program on the mosaic can be blocked as restricted access information is blocked

by the conditional access module(Figure 5, Figure 21, Column 14, lines 53-67, Column

15, lines 1-9) or full audio and visual access is prohibited based on access rights

(Column 14, lines 53-67, Column 15, lines 1-9). Niijima is silent on means for changing

an attribute of the cursor depending on the characteristic of at least one of a program

and a channel displayed in a window over which the cursor is positioned and when the

cursor is automatically repositioned after a non-instantaneous pre-determined amount

of time when the cursor is positioned on a window. Hanaya discloses a system for

displaying a plurality of channels and programs in respective windows (Figure 19).

Hanaya discloses means for changing an attribute of the cursor depending on the

characteristic of at least one of a program and a channel displayed in a window over

which the cursor is positioned (Page 9, paragraph 0147). Berstis discloses means for

automatically re-positioning the cursor in the event that the cursor is placed over the

window that is not active or not accessible after performing a check to determine if the

window is opened or after a non instantaneous predetermined period of time (Column 3,

lines 5-39). Therefore it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Niijima to include means for changing an

attribute of the cursor depending on the characteristic of at least one of a program and a

channel displayed in a window over which the cursor is positioned such as the cursor is

changed to different broadcast channel (Page 9, paragraph 0147) as taught by Hanaya

in order to make it easier and more convenient for a user to view the programs selected

or highlighted. Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify Niijima to include a means for

automatically re-positioning the cursor in the event that the cursor is placed over the

window that is not active after a non-instantaneous predetermined period of time

(Column 3, lines 5-39) as taught by Berstis in order to allow the user to navigate through

multiple open windows for convenience to the user (Column 1, lines 21-60 as disclosed

by Berstis.

Regarding Claim 63, Niijima, Hanaya and Berstis disclose all the limitations of

Claim 60. Niijima discloses means for tuning the decoder to a channel displayed in the

desired window upon selection of the desired window (Figure 5, Figure 7).

Regarding Claim 64, Niijima, Hanaya and Berstis disclose all the limitations of

Claim 60. Niijima means for generating a display comprising information regarding the

program displayed in the desired window upon selection of the desired window (Column

17, lines 4-23).

Regarding claim 66, Niijima, Hanaya and Berstis disclose all the limitations of

Claim 64. Niijima discloses communicating with a communications center to obtain the

information regarding the program displayed in the desired window (Column 32, lines

55-67, Column 33, lines 1-29, Figure 27, 311, Figure 28, 323).

Regarding Claims 101 and 118, Niijima, Hanaya and Berstis disclose all the

limitations of Claims 12 and 60 respectively. Niijima discloses that a conditional access

module (CAM) and receiving keys and decipherment processing in order decipher the

program data (Column 14, lines 53-67, Column 15, lines 1-9). It is necessarily included

that the CAM deciphers programs that are not restricted or prohibited to the users as

conditional access systems restrict television programming for certain groups of users.

Niijima discloses means for prohibiting the generation of video information in

dependence on the access rights to a program or channel or the video of the program

on the mosaic can be blocked as restricted access information is blocked by the

conditional access circuit which is met by means for providing or not providing complete

audio and visual access to the user to the program of choice if the user is permitted

complete access to the program (Column 14, lines 15-67, Column 15, lines 1-9).

Regarding Claims 107 and 124, Niijima, Hanaya and Berstis disclose all the

limitations of Claims 12 and 60 respectively. Niijima discloses positional control means

for controlling the relative positions of the windows with the mosaic formation (Column

20, lines 37-46, Column 2, lines 48-67, Column 3, lines 1-14).

Regarding Claim 128, Niijima discloses all the limitations of Claim 124. Niijima

discloses positional control means for controlling the relative positions of the windows in

response to received window positioning data for controlling the relative positions of the

windows with the mosaic formation (Column 20, lines 37-46, Column 2, lines 48-67,

Column 3, lines 1-14).

Regarding Claim 132, Niijima, Hanaya and Berstis disclose all the limitations of

Claim 124. Niijima discloses that relative positions of windows of the mosaic formation

are controlled according to a program characteristic of programs normally shown on the

channels displayed in the windows (Figure 25 and Figure 26).

12.   Claims 14, 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Niijima in view of Hanaya as applied to claims 11, 59 above, and further in view of

Young.

Regarding Claim 14 and 110, Niijima and Hanaya disclose all the limitations of

Claims 11 and 59 respectively. Hanaya discloses selecting programs via the channel

(Page 9, paragraph 0147). Niijima and Hanaya are silent on assign the characteristic from a remote control handset associated with the decoder and means for assigning the characteristic in response to the received data. Young discloses means for receiving data for assigning the characteristic from a remote control handset associated with the decoder (Figure 20) and means for assigning the characteristic in response to the received data (Figure 20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Niijima in view of Hanaya to include means for receiving data for assigning the characteristic from a remote control handset associated with the decoder (Figure 20) and means for assigning the characteristic in response to the received data (Figure 20) as taught by Young in order to allow easier access for program listings to record on a VCR including future times (Column 1, lines 13-25) as disclosed by Young.

13.   Claims 19, 28, 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niijima in view of Townsend.

        Regarding Claim 19, Niijima discloses all the limitations of Claim 18. Townsend discloses means for dialing up the communications center to supply a request for the information regarding the program displayed in the desired window (Figure 1, 7, Figure 12). Therefore, it would have been obvious at the time the invention was made to modify Niijima to include means for dialing up the communications center to supply a request for the information regarding the program displayed in the desired window

(Figure 1, 7, Figure 12) as taught by Townsend in order to simplify user control and to make the control more user friendly (Page 5, lines 2-7) as disclosed by Townsend.

Regarding Claims 28 and 76, Niijima discloses all the limitations of Claim 1 and 51 respectively. Niijima is silent on receiving access rights from a remote control handset associated with the decoder. Townsend discloses a decoder and a method for controlling the display of a plurality of digital television (TV) channels in respective windows of a mosaic formation (Figure 11), the decoder comprising means for receiving access rights to one of a program and a channel (Page 11, lines 10-19), means for permitting only partial audio and visual access by the user to the one of program and a channel (Page 11, lines 10-19). Townsend disclose that the receiving means is adapted to receive a PIN number from the remote control handset associated with the decoder or on receiving access rights from a remote control handset associated with the decode (Page 39, lines 8-15). Therefore, it would have been obvious at the time the invention was made to modify Niijima to include receiving means is adapted to receive a PIN number from the remote control handset associated with the decoder (Page 39, lines 8-15) as taught by Townsend in order to simplify user control and to make the control more user friendly (Page 5, lines 2-7) as disclosed by Townsend.

14.   Claims 20, 22, 23, 27, 103, 113, 114, 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niijima in view of Young.

Regarding Claims 20 and 113, Niijima discloses all the limitations of Claim 4 and 53 respectively. Niijima is silent on means for generating a display comprising a

schedule with forthcoming programs of at least one digital TV channel in respective

windows. Young discloses a means for generating a display comprising a schedule

with forthcoming programs of at least one digital TV channel in respective windows or a

displaying of forthcoming program schedule for the channel displayed in the desired

window or cell (Figure 7, 58). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Niijima to include means for

generating a display comprising a forthcoming program schedule for the channel

displayed in the desired window upon selection upon selection of the desired window

(Figure 7, 58) as taught by Young in order to allow easier access for program listings to

record on a VCR including future times (Column 1, lines 13-25) as disclosed by Young.

Regarding Claims 22 and 114, Niijima and Young discloses all the limitations of

Claims 20 and Claim 53 respectively. Niijima discloses that program guide display can

be mosaic with textual display of program schedule information (Figure 5, Figure 20,

Column 16, lines 13-22). Young discloses that the forthcoming program schedule which

is in a textual display (Figure 7).

Regarding Claims 23 and 116, Niijima and Young discloses all the limitations of

Claims 20 and Claim 53 respectively. Niijima discloses that program guide display can

be mosaic with pictorial images of program schedule information (Figure 5, Figure 20).

Young discloses that the forthcoming program schedule (Figure 7).

Regarding Claim 27, Niijima and Young disclose all the limitations of Claim 23.

Niijima discloses that the plurality of pictorial images comprises video footage (Figure

5). Young discloses the forthcoming program schedule (Figure 7).

Regarding Claim 103, Niijima and Young disclose all the limitations of Claim 20.

Niijima discloses that a conditional access module (CAM) and receiving keys and

decipherment processing in order decipher the program data (Column 14, lines 53-67,

Column 15, lines 1-9).   It is necessarily included that the CAM deciphers programs that

are not restricted or prohibited to the users as conditional access systems restrict

television programming for certain groups of users. Niijima discloses means for

prohibiting the generation of video information in dependence on the access rights to a

program or channel or the video of the program on the mosaic can be blocked as

restricted access information is blocked by the conditional access circuit or image data

is not deciphered (Column 14, lines 53-67, Column 15, lines 1-9).

Regarding Claim 109, Niijima and Young disclose all the limitations of Claim 20.

Niijima discloses positional control means for controlling the relative positions of the

windows with the mosaic formation (Column 20, lines 37-46, Column 2, lines 48-67,

Column 3, lines 1-14).

15.   Claims 29 and 77 rejected under 35 U.S.C. 103(a) as being unpatentable over

Niijima in view of Townsend as applied to Claims 28 and 76 further in view of Florin et al

(US 5,594,509 and hereafter referred to as "Florin").

Regarding Claims 29 and 77, Niijima and Townsend disclose all the limitations of

Claims 28 and 76 respectively. Townsend disclose that the receiving means is adapted

to receive a PIN number from the remote control handset associated with the decoder

(Page 39, lines 8-15). Townsend does not explicitly disclose authenticating the PIN

number. Florin discloses a confirmation or authenticating the received PIN number to permit reception of access rights (Figure 41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Niijima in view of Townsend to include authenticating the received PIN number to permit reception of access rights (Figure 41) as taught by Florin in order to provide improve the user interface for selecting and displaying TV programs (Column 2, lines 36-40) as disclosed by Florin.

16.   Claims 32, 80, 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niijima in view of Morales (US 5,663,757).

Regarding Claims 32 and 80, Niijima discloses all the limitations of Claims 31 and 79. Niijima is silent on logos of channels. Morales discloses that a picture comprise a logo associated with a channel displayed in the window (Figure 3, 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Niijima to include a picture comprising a logo associated with a channel displayed in the window (Figure 3, 10) as taught by Morales in order to provide the user with easier channel selection as the TV networks may have different channels in area counties or an out of town visitor in a hotel (Column 5, lines 10-25) as disclosed by Morales.

Regarding Claim 81, Niijima and Morales disclose all the limitations of Claim 80. Niijima discloses that the picture can comprise still images or text (Column 35, lines 57-

62). It is necessarily included that the image is associated with program displayed on the window.

17.   Claims 34, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niijima in view of Balakrishnan et al (US 2001/0052135 and hereafter referred to as "Balak").

Regarding Claims 34 and 82, Niijima discloses all the limitations of Claim 30 and 78 respectively. Niijima is silent on an advertisement. Balak discloses that advertisements can be seen in a mosaic formation (Page 2, paragraph 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Niijima to include means for controlling the display of an advertisement in the window instead of a video information (Page 2, paragraph 18) as taught by Balak in order to provide users target commercials of their own choosing (Page 1, paragraphs 0001-0003) as disclosed by Balak.

18.   Claims 37, 85, 105, 122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niijima in view of Kahn (US 5,978,649).

Regarding Claim 37, 85, 105, 122, Niijima discloses all the limitations of Claims 1, 51, 17 and 65 respectively. Niijima is silent on generating a message due to lack of access rights when a cursor is on a channel. Kahn discloses means to generating message information a user of the access rights of a channel in the event of placing a cursor on the channel on the EPG (Column 7, lines 42-56). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify Niijima to include a means to generating a message information a user of the

access rights of a channel in the event of placing a cursor on the channel on the EPG

(Column 7, lines 42-56) as taught by Kahn in order to control channel authorization in

case such as PPV channels or movies with access rights (Column 1, lines 26-31) as

disclosed by Kahn.

19.   Claims 62, 68, 115, 117 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Niijima in view of Hanaya and Berstis as applied to claim 60 above,

and further in view of Young et al (US 5,809,204 and hereafter referred to as "Young").

        Regarding Claim 62, Niijima, Hanaya and Berstis disclose all the limitations of

Claim 60. Niijima discloses selecting programs and the most often selected programs

are assigned favorite (Figure 25 and Figure 26). Niijima, Hanaya and Berstis are silent

on assign the characteristic from a remote control handset associated with the decoder

and means for assigning the characteristic in response to the received data.   Young

discloses means for receiving data for assigning the characteristic from a remote control

handset associated with the decoder (Figure 20) and means for assigning the

characteristic in response to the received data (Figure 20). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify Niijima in view of Hanaya and Berstis to include means for receiving data for

assigning the characteristic from a remote control handset associated with the decoder

(Figure 20) and means for assigning the characteristic in response to the received data

(Figure 20) as taught by Young in order to allow easier access for program listings to record on a VCR including future times (Column 1, lines 13-25) as disclosed by Young.

Regarding Claim 68, Niijima, Hanaya and Berstis disclose all the limitations of Claim 60. Niijima, Hanaya and Berstis are silent on the means for generating a display comprising a forthcoming program schedule for the channel displayed in the desired window upon selection upon selection of the desired window. Young discloses a means for generating a display comprising a forthcoming program schedule for the channel displayed in the desired window upon selection upon selection of the desired window or a displaying of forthcoming program schedule for the channel displayed in the desired window or cell (Figure 7, 58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Niijima in view of Hanaya and Berstis to include means for generating a display comprising a forthcoming program schedule for the channel displayed in the desired window upon selection upon selection of the desired window (Figure 7, 58) as taught by Young in order to allow easier access for program listings to record on a VCR including future times (Column 1, lines 13-25) as disclosed by Young.

Regarding Claim 115, Niijima, Hanaya, Berstis and Young disclose all the limitations of Claim 68. Niijima discloses that program schedule can comprise textual display of program schedule information (Column 35, lines 57-62). Young discloses the forthcoming schedule and the textual display of program schedule information (Figure 7).

Regarding Claim 117, Niijima, Hanaya, Berstis and Young disclose all the

limitations of Claim 68 respectively. Niijima discloses that program schedule comprises

pictorial images associated with programs (Figure 5, 7). Young discloses the

forthcoming schedule (Figure 7).

20.   Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niijima

in view of Hanaya and Berstis as applied to claim 66 above, and further in view of

Townsend.

Regarding Claim 67, Niijima, Hanaya and Berstis disclose all the limitations of

Claim 66. Niijima discloses communicating with a communications center (Figure 7,

311, figure 8, 323). Niijima is silent on dialing up the communications center.

Townsend discloses means for dialing up the communications center to supply a

request for the information regarding the program displayed in the desired window

(Figure 1, 7, Figure 12). Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify Niijima to include a means for

dialing up the communications center to supply a request for the information regarding

the program displayed in the desired window (Figure 1, 7, Figure 12) as taught by

Townsend in order to provide the user with television programming, program schedules

and PPV on the same carrier channel and thus becoming more efficient (Page 4, lines

12-23) as disclosed by Townsend.

21.   Claims 104, 121 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Niijima in view of Hanaya and Berstis as applied to claims 12 and 60 above, and further

in view of Kahn.

Regarding Claims 104 and 121, Niijima, Hanaya and Berstis discloses all the

limitations of Claims 12 and 60 respectively. Niijima is silent on means to generating

message information a user of the access rights of a channel in the event of placing a

cursor. Kahn discloses means to generating message information a user of the access

rights of a channel in the event of placing a cursor on the channel on the EPG (Column

7, lines 42-56). Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify Niijima, Hanaya and Berstis to include a

means to generating a message information a user of the access rights of a channel in

the event of placing a cursor on the channel on the EPG (Column 7, lines 42-56) as

taught by Kahn in order to control channel authorization in case such as PPV channels

(Column 1, lines 26-31) as disclosed by Kahn.

22.   Claim 106 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niijima

in view of Young as applied to claim 20 above, and further in view of Kahn.

Regarding Claim 106, Niijima and Young disclose all the limitations of Claim 20.

Niijima and Young are silent on generating a message due to lack of access rights

when a cursor is on a channel. Kahn discloses means to generating message

information a user of the access rights of a channel in the event of placing a cursor on

the channel on the EPG (Column 7, lines 42-56). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

Niijima in view of Young to include a means to generating a message information a user

of the access rights of a channel in the event of placing a cursor on the channel on the

EPG (Column 7, lines 42-56) as taught by Kahn in order to control channel authorization

in case such as PPV channels movies with access rights (Column 1, lines 26-31) as

disclosed by Kahn.

23.   Claims 135, 137 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Niijima in view of Florin.

        Regarding Claims 135 and 137, Niijima disclose all the limitations of Claims 86

and 125 respectively Niijima is silent on a window in constant position. Florin discloses

a positional control means is arranged to maintain a window displaying a particular

channel and program in a constant position in the mosaic formation (Figures 27-29,

365, Figure 30, 325). Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify Niijima to include a positional

control means is arranged to maintain a window displaying a particular channel and

program in a constant position in the mosaic formation (Figures 27-29, 365, Figure 30,

325) as taught by Florin in order to provide improve the user interface for selecting and

displaying TV programs (Column 2, lines 36-40)) as disclosed by Florin.

24.   Claim 136 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niijima

in view of Hanaya and Berstis as applied to claim 124 above, and further in view of

Florin.

        Regarding Claims 136, Niijima, Hanaya and Berstis disclose all the limitations of

Claim 124. Niijima, Hanaya and Berstis are silent on a window in constant position.

Florin discloses a positional control means is arranged to maintain a window displaying

a particular channel and program in a constant position in the mosaic formation (Figures

27-29, 365, Figure 30, 325). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Niijima in view of Hanaya

and Berstis to include a positional control means is arranged to maintain a window

displaying a particular channel and program in a constant position in the mosaic

formation (Figures 27-29, 365, Figure 30, 325) as taught by Florin in order to provide

improve the user interface for selecting and displaying TV programs (Column 2, lines

36-40) as disclosed by Florin.

Conclusion

25.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Farzana E. Hossain whose telephone number is 571-

272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to

4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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FEH
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CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600